



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO. 15925 OF 2023
IN
COMMERCIAL IP SUIT (L) NO. 15922 OF 2023

Trishul Media Entertainment ... Applicant/Orig. Plaintiff

Versus

Retrophiles Pvt. Ltd. ... Defendant

Dr. Abhinav Chandrachud a/w Gandhar U. Pai Raikar, Pranit Kulkarni, Maneesha Kumar i/b Meraki Chambers for the Plaintiff.

Mr. Rashmin Khandekar, Mr. Ameet Naik a/w Ms. Megha Chandra, Ms. Madhu Gadodia, Mr. Deepak Deshmukh, Ms. Tarini Kulkarni i/b Anand & Naik for Super Cassettes Industries Pvt. Ltd. (Intervenor).

Mr. Ashish Kamat, Senior Advocate and Varun Nathani a/w Munaf Virjee, Akash Agarwal and Samyak Surana i/b AMR Law & Desai and Partners for the Defendant.

CORAM : R.I. CHAGLA, J.

DATED : 15th JUNE, 2023.

ORDER :

1 This Interim Application has been moved by way of urgency for ad-interim relief on the ground that the subject film 'Adipurush' is being released in the theater tomorrow i.e. 16.06.2023. The grievance of the Applicant is that credit in the subject film has not been given to all the employees/agents and contract workers who had worked in the production of the film. There are other prayers in the Interim Application for which at present, have not been pressed.

2 Dr. Abhinav Chandrachud, the learned Counsel for the Applicant/Plaintiff has relied upon Section 57 of the Copy Rights Act 1957 in support of the ad-interim relief sought.

3 Mr. Ashish Kamat, learned Senior Counsel appearing for the Defendant has raised preliminary issue of maintainability of the Suit. He states that the Applicant/Plaintiff has been given credit for character assets in the subject film and has tendered snap shot of the credits which is taken on record and marked 'X' for identification. It appears from the snap shot that the Plaintiff has been given credit under character assets. Thus, the grievance insofar as the Plaintiff regarding not being given credit in the subject film appears to be addressed.

4 Dr. Abhinav Chandrachud has submitted that the Applicant/Plaintiff is not intending to prevent the release of the subject film which is scheduled for release tomorrow. He has submitted that he will press further ad-interim relief after an opportunity is given to the Defendant to file its affidavit in reply to the Interim Application.

5 Mr. Rashmin Khandekar, learned Counsel for Company-Super Cassettes Industries Pvt. Ltd. states that the Company has not been joined though the Company is a co-producer of the subject film.

6 Dr. Abhinav Chandrachud has sought leave to amend the
Plaint and Interim Application for joining the Company-Super Cassettes
Industries Pvt. Ltd.

7 Leave is granted. The Applicant/Plaintiff shall carry out the
amendment in the Plaint and Interim Application within a period of one
week from the date of this order. Re-verification is dispensed with.

8 The Defendant shall file the affidavit in reply within a period
of three weeks.

9 The Company-Super Cassettes Industries Pvt. Ltd. are at
liberty to file affidavit in reply to the Interim Application within a period
of two weeks from being joined as party Defendant and the amended
Plaint and Interim Application being served upon them.

10 The Applicant/Plaintiff are at liberty to file affidavit in
rejoinder to the Reply of the Defendant and Super Cassettes Industries
Pvt. Ltd. within one week from being served with the Replies.

11 Place the Interim Application for ad-interim relief on
17.07.2023.

(R.I. CHAGLA, J.)